

President Issues Executive Order on Increased Worker Safety During Pandemic

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President Joe Biden issued an executive order Jan. 21 calling for increased protection of the safety and health of workers from COVID-19. The order requires the Occupational Safety and Health Administration (OSHA) to consider whether any emergency temporary standards on COVID-19, such as masks, are necessary. We've gathered articles on this news from *SHRM Online* and other trusted sources.

Standards and Guidance Could Be Issued Soon

If emergency temporary standards are deemed necessary, they must be issued by March 15, according to the executive order. OSHA also must, within two weeks of the executive order, revise guidance to employers on workplace safety during the pandemic. In addition, OSHA enforcement efforts will be reviewed and an outreach campaign launched to inform workers and their representatives of their rights.

(The White House (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/executive-order-protecting-worker-health-and-safety/>))

Public Comment Period May Be Skipped

An emergency standard may be issued quickly partly because it can be issued with the government skipping the usual public comment period. David Michaels, a former OSHA administrator under then-President Barack Obama, said an emergency temporary standard would help ensure that employers minimize workplace transmission of COVID-19. Some businesses worry, however, that a standard could become burdensome for employers to implement. The rule would likely require employers to create a plan to minimize worker exposure to COVID-19. Should the Department of Labor publish an emergency rule, it will have six months to make it final. Some states, such as California, Michigan and Virginia, have their own standards on virus prevention in the workplace.

(*The Wall Street Journal* (<https://www.wsj.com/articles/biden-moves-to-set-covid-19-workplace-safety-rules-11611252898>))

Likely Components of Standard

Eric Hobbs, an attorney with Ogletree Deakins in Milwaukee, predicted that a federal emergency temporary standard may encompass protective equipment; administrative controls like distancing, circulation of employees in limited numbers and requiring work from home when feasible; sanitation and housekeeping; and employee training. But he acknowledged that what the emergency temporary standard will look like is difficult to say prior to its issuance.

(*SHRM Online* (www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/coronavirus-osh-may-issue-covid-19-standards.aspx))

Union-Backed Standard

Union leaders have long sought an emergency temporary standard that would provide the steps employers must take to protect workers from the coronavirus. Biden supported this approach during his presidential campaign. Calls for an emergency standard have stemmed partly from concerns about worker safety in meatpacking plants. One study found that most COVID-19 cases linked to meatpacking plants likely had originated in the plants and spread through adjacent communities. One aspect of an emergency standard might be requiring meatpacking facilities to space workers 6 feet apart; other safety measures might include providing high-quality masks and improving ventilation.

(*The New York Times* (<https://www.nytimes.com/2021/01/21/business/economy/biden-osha-coronavirus.html>))

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